

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENDALL ALSTON,

Defendant.

CASE NO. 22-CR-00066

PRELIMINARY ORDER OF
FORFEITURE

This matter comes before the Court on the Government's Motion for Preliminary Order of Forfeiture, Dkt. No. 132, seeking to forfeit, to the United States, Defendant Kendall Alston's interest in the following property (the "Subject Property"):

- Taurus 85 U: .38 Special Revolver, bearing serial number JY87027, and any associated ammunition.

The Court, having reviewed the Government's motion, as well as the other papers and pleadings filed in this matter, hereby finds that entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

- 1 • The Subject Property is forfeitable pursuant to 18 U.S.C. § 924(d)(1) by way of 28
2 U.S.C. § 2461(c), as property involved in Mr. Alston's Unlawful Possession of a
3 Firearm, in violation of 18 U.S.C. § 922(g)(1), as charged in Count 5 of the
4 Indictment. Dkt. No. 14 at 3.
- 5 • On August 11, 2022, Mr. Alston pleaded guilty to the offense charged in Count 5.
6 Dkt. No. 118.

7 Now, therefore, the Court ORDERS the following:

- 8 (1) Pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), and Mr. Alston's
9 guilty plea to the offense charged in Count 5 of the Indictment, Mr. Alston's interest in
10 the Subject Property is fully and finally forfeited, in its entirety, to the United States;
- 11 (2) Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A)–(B), this Preliminary
12 Order of Forfeiture will be final as to Mr. Alston at the time he is sentenced, it will be
13 made part of the sentence, and it will be included in the judgment;
- 14 (3) The United States Department of Justice, Drug Enforcement Administration, and/or its
15 authorized agents or representatives, shall maintain the Subject Property in their
16 custody and control until further order of the Court;
- 17 (4) Pursuant to Federal Rule of Criminal Procedure 32.2(b)(6), the United States shall
18 publish notice of this Preliminary Order of Forfeiture and its intent to dispose of the
19 Subject Property as permitted by governing law. The notice shall be posted on an
20 official government website—currently www.forfeiture.gov—for at least thirty (30)
21 days. For any person known to have alleged an interest in the property, the United
22 States shall, to the extent possible, provide direct written notice to that person. The
23 notice shall state that any person, other than Mr. Alston, who has or claims a legal
24 interest in the Subject Property must file a petition with the Court within sixty (60) days

1 of the first day of publication of the notice (which is thirty (30) days from the last day
2 of publication), or within thirty (30) days of receipt of direct written notice, whichever
3 is earlier. The notice shall advise all interested persons that the petition:

- 4 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest
5 in the property;
- 6 b. shall be signed by the petitioner under penalty of perjury; and
- 7 c. shall set forth the nature and extent of the petitioner's right, title, or interest in
8 the property, as well as any facts supporting the petitioner's claim and the
9 specific relief sought;

10 (5) If no third-party petition is filed within the allowable time period, the United States
11 shall have clear title to the property, and this Preliminary Order of Forfeiture shall
12 become the Final Order of Forfeiture as provided in Federal Rule of Criminal Procedure
13 32.2(c)(2);

14 (6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve
15 factual issues it presents, discovery may be conducted in accordance with the Federal
16 Rules of Civil Procedure before any hearing on the petition is held. Following
17 adjudication of any third-party petitions, the Court will enter a Final Order of
18 Forfeiture, pursuant to Federal Rule of Criminal Procedure 32.2(c)(2), reflecting that
19 adjudication; and

20 (7) The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order
21 of Forfeiture, adjudicating any third-party petitions, entering a Final Order of
22 Forfeiture, and amending the Preliminary Order of Forfeiture or Final Order of

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1 Forfeiture as necessary pursuant to Federal Rule of Criminal Procedure 32.2(e).

2 IT IS SO ORDERED.

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4 Dated this 17th day of February, 2023.

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Lauren King
7 United States District Judge
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